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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO.  |
|---|-------------|-----------------------|---------------------|-------------------|
| 10/749,778  | 12/31/2003  | S. Michael Perlmutter | P5202               | 1019              |
| 24739   | 7590        | 06/29/2006            | EXAMINER            |                   |
| CENTRAL COAST PATENT AGENCY<br>PO BOX 187<br>AROMAS, CA 95004 |             |                       |                     | NGUYEN, KHAI MINH |
|   |             | ART UNIT              |                     | PAPER NUMBER      |
|   |             | 2617                  |                     |                   |

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                        |
|------------------------------|----------------------------|------------------------|
| <b>Office Action Summary</b> | Application No.            | Applicant(s)           |
|                              | 10/749,778                 | PERLMUTTER, S. MICHAEL |
|                              | Examiner<br>Khai M. Nguyen | Art Unit<br>2617       |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 11-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 11-16 and 18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9, 11-16, and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5, 13, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (U.S.Pat-6934543).

Regarding claim 5, Wang teaches in a mobile telephone system (abstract), a method for call treatment comprising:

(a) determining a geographic location for a subscriber to the system for a call placed by a caller (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2);

(b) determining the TOD at the subscriber's location (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2); and

(c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2).

Regarding claim 13, Wang teaches a call treatment system comprising a facility for determining a geographic location of a called party for a call placed by a caller (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2), determining the time of day (TOD) in the called party's location (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2), and checking for and applying treatment options set by the called party if the TOD determined falls within a preset range (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2).

Regarding claim 18, Wang teaches a machine-readable medium having stored thereon a set of instructions that cause a machine to perform a method comprising:

- (a) determining a geographic location of a subscriber to the system for a call placed by a caller (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2);
- (b) determining the TOD at the subscriber's location (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2); and
- (c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-9, 11-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S.Pat-6934543) in view of Logan et al. (U.S.Pub-20050153729).

Regarding claim 1, Wang teaches in a mobile telephone system (abstract), a method for call treatment comprising:

(a) upon receiving a call placed by a caller for a user (fig.1-3, abstract, col.2, lines 55-67, col.3, lines 29-49), determining a geographic location for the user's telephone in the system (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2);

(b) determining the time-of-day (TOD) at the telephone's location (fig.1-3, abstract, col.2, lines 55-67, col.3, lines 29-49); and

(c) informing the caller of the TOD (abstract),

or sending a ring event for the call based on the TOD determined in step (b) (fig.1-3, abstract, col.2, lines 55-67, col.3, lines 29-49)

Wang fails to specifically disclose (d) providing the caller an option of going directly to voice mail without sending a ring event. However, the preceding limitation is

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taught in Logan (see abstract, paragraph 0010, 0018-0019). It would have been obvious to one of ordinary skill in the art at the time invention was made to apply the teaching of Logan to the teaching of Wang to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 2, Wang and Logan further teaches the method of claim 1, further comprising providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call (see Logan, paragraph 0018-0019), or sending a ring event for the call (see Wang, fig.1-3, abstract, col.2, lines 55-67, col.3, lines 29-49).

Regarding claim 3, Wang and Logan further teaches the method of claim 2 wherein the caller is enabled by selection to control the ring event (see Logan, paragraph 0035, 0049-0050).

Regarding claim 4, Wang and Logan further teaches the method of claim 3 wherein the ring events selected include at least one of a light flash, a buzz or a ring (see Logan, paragraph 0035).

Regarding claim 6, Wang teaches the method of claim 5.

Wang fails to specifically disclose setting treatment options by input from the subscriber. However, the preceding limitation is taught in Logan (see paragraph 0009-0010). It would have been obvious to one of ordinary skill in the art at the time invention

was made to apply the teaching of Logan to the teaching of Wang to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 7, Wang and Logan further teaches the method of claim 6 wherein the treatment options include a password provided by the subscriber (see Logan, paragraph 0055).

Regarding claim 8, Wang and Logan further teaches the method of claim 7 wherein the treatment options include an emergency procedure wherein the caller is prompted for the password to place a call within an otherwise restricted time of day (see Logan, paragraph 0055).

Regarding claim 9, Wang teaches a call roaming system comprising a facility for determining a geographic location of a called party for a call placed by a caller (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2), determining the time of day (TOD) in the called party's location (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2), and informing the caller of the destination TOD (abstract);

Wherein the system determines a TOD within a preset range (fig.1-3, abstract, col.2, lines 55-67, col.3, line 29 to col.4, line 2), or sending a ring event for the call (fig.1-3, abstract, col.2, lines 55-67, col.3, lines 29-49)

Wang fails to specifically disclose (d) the system further provides the caller an option of going directly to voice mail without sending a ring event. However, the

preceding limitation is taught in Logan (see abstract, paragraph 0010, 0018-0019). It would have been obvious to one of ordinary skill in the art at the time invention was made to apply the teaching of Logan to the teaching of Wang to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 11, Wang and Logan further teaches the system of claim 10 wherein the system enables the caller to control the ring event by selection (see Logan, paragraph 0035, 0049-0050).

Regarding claim 12, Wang and Logan further teaches the system of claim 11 wherein the ring events selected include at least one of a light flash, a buzz or a ring (see Logan, paragraph 0035, 0049-0050).

Regarding claim 14, Wang teaches the system of claim 13, Wang fails to specifically disclose setting treatment options by input from the subscriber. However, the preceding limitation is taught in Logan (see paragraph 0009-0010). It would have been obvious to one of ordinary skill in the art at the time invention was made to apply the teaching of Logan to the teaching of Wang to allow cellular phone operator to place the phone in an automatic answering mode in which the phone answers the coming call and automatically transmit a message to transmit specific instructions to the caller at the distant telephone.

Regarding claim 15, Wang and Logan further teaches the system of claim 14 wherein the treatment options include a password provided by the called party (see Logan, paragraph 0055).

Regarding claim 16, Wang and Logan further teaches he system of claim 15 wherein the treatment options include an emergency procedure wherein the caller is prompted for the password to place a call within an otherwise restricted time of day (see Logan, paragraph 0055).

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen  
Au: 2617

6/23/2006

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER